

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3668
OFFERED BY MR. MARINO OF PENNSYLVANIA AND
MS. LINDA T. SÁNCHEZ OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Counterfeit Drug Pen-
3 alty Enhancement Act of 2012”.

4 SEC. 2. COUNTERFEIT DRUG PENALTY ENHANCEMENT.

5 (a) OFFENSE.—Section 2320(a) of title 18, United
6 States Code, is amended—

7 (1) by striking “or” at the end of paragraph

8 (2);

9 (2) by inserting “or” at the end of paragraph

10 (3);

11 (3) by inserting after paragraph (3) the fol-
12 lowing:

13 “(4) imports, exports, or traffics in a counter-
14 feit drug,”; and

15 (4) by striking “through (3)” and inserting
16 “through (4)”.

1 (b) PENALTIES.—Section 2320(b)(3) of title 18,
2 United States Code, is amended—

3 (1) in the heading, by inserting “AND COUN-
4 TERFEIT DRUGS” after “SERVICES”; and

5 (2) by inserting “or counterfeit drug” after
6 “service”.

7 (c) DEFINITION.—Section 2320(f) of title 18, United
8 States Code, is amended—

9 (1) by striking “and” at the end of paragraph
10 (4);

11 (2) by striking the period at the end of para-
12 graph (5) and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(6) the term ‘counterfeit drug’ has the mean-
15 ing given that term in section 201 of the Federal
16 Food, Drug, and Cosmetic Act.”.

